

P | write protection information being redundantly stored in a plurality of locations in the Lead-in area, and wherein the recording medium is a recording medium satisfying a DVD-R and/or DVD-RW specification.

#### **REMARKS**

#### **INTRODUCTION:**

In accordance with the foregoing, new claim 15 has been added. No new matter is being presented, and approval and entry is respectfully requested.

Claims 6, 7, 9 and 10 have been indicated as including allowable subject matter, but stand objected to for depending from rejected claims.

Claims 1-15 are pending and under consideration.

#### **ENTRY OF AFTER FINAL AMENDMENT:**

In view of the following remarks, it is respectfully submitted that the inapplicability of the cited reference to anticipate the presently claimed invention is more clearly evident. New independent claim 15 includes at least similar allowable features as the present independent claims, with differing scope and breadth, and more particularly requires that the write protection be redundantly stored. As the present response more clearly explains why the claims, in the present form, are allowable of the cited reference, it is respectfully requested that the addition of claim 15 be allowed and reconsideration be given to the allowability of the pending claims.

#### **REJECTION UNDER 35 U.S.C. §102(e):**

Claims 1-5, 11, 13 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maruyama et al., U.S. Patent No. 6,385,389. This rejection is respectfully traversed.

By way of review and as an example, independent claim 1 sets forth a "recordable and/or rewritable recording medium to record data including a Lead-in area, a Lead-out area, and a user data area.

Independent claim 1 specifically sets forth that "upon the finalization for writing on the Lead-in area and the Lead-out area has been completed, the recording medium is set to a write protection state ensuring the protection of the data recorded on the recording medium from

unwanted overwriting or erasing."

The Office Action sets forth that Maruyama et al. discloses all the features of independent claim 1. Applicants respectfully disagree.

In the previous response, Applicants particularly pointed out how Maruyama et al. merely sets forth the recording of an "archive flag" in a particular data structure in a data recording area 28 (user data area) to prevent an unwanted overwriting or erasing of particular files or programs. The Examiner is respectfully requested to review the previous response where this distinction is explicitly explained.

In addition, Maruyama et al. stores the archive flag in the user data area, and would appear to not rely on any finalization of the Lead-in or Lead-out areas. Further, the setting of a write protection of individual files or programs in the user data area of the recording medium would appear to be unrelated to the finalization of the Lead-in or Lead-out area.

Thus, in setting write protection for individual files and programs, Maruyama et al. is only related to the storage of archive flags in the user data area.

In the previous response, Applicants further pointed out that Maruyama et al. cannot be interpreted as disclosing the setting of a write protection state of a recording medium upon the finalization for writing on the Lead-in area and the Lead-out area is completed, as Maruyama et al. only disclosed storing the aforementioned "archive flag" in the user data area for particular files or programs in the user data area.

In response, the Office Action, on page 2, stated: "a finalization is an operation to finally record the Lead-out area and complete the optical disk. In other words, without competing/updating either a lead-out or a lead-in area, a recording medium cannot be read. Therefore, Maruyama's archive flag is set upon the completion of updating the Lead-in or Lead-out area."

However, it is respectfully submitted that the mere completion of recording of a recording medium cannot be considered equivalent to the claimed "recording medium [being] set to a write protection state."

More specifically, the independent claims specifically require the "recording medium" be set to a write protection state. The independent claims do not set forth that "portions" or particular "files" or "programs" in the user area are set to a write protection state, but rather require entire areas of interest, e.g., the entire user data area, be represented by the write protection state. Thus the claimed write protection state is representative of at least the entire user data area of the recording medium be in a write protected state.

The present application provides examples of such interpretations of write protection states. For example, page 8 illustrates in table 1 the disc certification flag indicating whether the "recording medium" is write protected, e.g., hard or soft write protection.

In comparison, in table 1, the group certification flag indicates whether particular areas or groups of the recording medium are write protected. (These references to the specification are not intended to limit the scope of the claims to only these embodiments, but are merely used to reinforce the differences between individual file or program write protection and a write protection state of a recording medium, e.g., paragraphs [0068]-[0074] provide additional applicable embodiments)

Thus, the present application clearly differentiates between selective write protection of individual files or programs, on the recording medium, and write protection of the actual recording medium. Since the present application has made this distinction, the same interpretation must be made in interpreting the claims.

"It is well settled that a patentee may define a claim term either in the written description of the patent or, as in the present case, in the prosecution history." Mycogen Plant Science v. Monsanto Co., 243 F.3d 1316, 1327, 58 USPQ2d 1030, 1039 (Fed. Cir. 2001). Frequently, a definition offered during prosecution is made in response to a rejection, and is entered in conjunction with a narrowing amendment. See, e.g., Southwall Techs., Inc. v. Cardinal IG Co., 54 F.3d 1570, 1576, 34 USPQ2d 1673, 1677 (Fed. Cir. 1995). Such a definition limits the scope of the claim, preventing the patentee from later recapturing what was previously surrendered. Although the inventor's definition does not have a narrowing effect, it is nonetheless relevant in indicating the meaning that the inventor ascribed to the term. Honeywell Inc. v. Victor Co. of Japan Ltd., 63 USPQ2d 1904 (CA FC 2002).

Thus, the individual protection of each file or program in Maruyama et al. is not the same as the setting of a write protection state of the "recording medium."

Lastly, it is again noted that the claimed write protection state of the "recording medium" is based on the completion of a finalization of the Lead-in or Lead-out areas, while the individualized file or program archive flags would appear to be totally unrelated to the completion of the finalization of the Lead-in or Lead-out areas.

Therefore, it is respectfully submitted that Maruyama et al. cannot be interpreted as disclosing the presently claimed invention. In addition, as the remaining independent claims

include similar allowable features, with differing scope and breadth, it is respectfully submitted that all the pending claims are in proper condition for allowance.

**REJECTION UNDER 35 U.S.C. §103(a):**

Claims 8 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maruyama et al. in view of Ito et al., U.S. Patent No. 6,243,340. This rejection is respectfully traversed.

It is respectfully submitted that claims 8 and 12 are at least allowable for depending from allowable independent claims. In addition, it is respectfully submitted that the previous remarks regarding these rejections are equally applicable.

Therefore, it is respectfully requested that this rejection of claims 8 and 12 be withdrawn and claims 8 and 12 be allowed.

**CONCLUSION:**

In accordance with the foregoing it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art.

If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities.

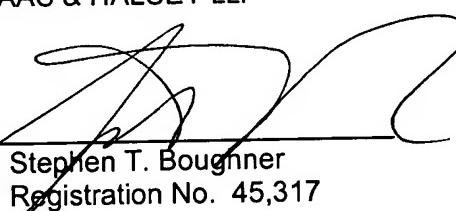
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 7/29/03

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